IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Stay application no. 10646 of 2006
In
Writ Petition No. 1139 (S/S) of 2006

Mukesh Chandra Badoni,
S/o late Sri Rakesh Chandra Badoni,
R/o Near Ram leela ground,
Uppar Bazar,
Pauri Garhwal. **……Petitioner**

V e r s u s

1. State of Uttaranchal through Secretary, Education, Government of Uttaranchal, Dehradun.
2. Director of Education, 2 Subhash Road, Dehradun.
3. Joint Director of Education, Garhwal Mandal, Pauri.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.K. Posti, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. Issue a writ, order or direction in the nature of Mandamus directing the respondent no. 2 and 3 to decide the application of the petitioner within a stipulated time.

II. Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.

III. Award cost of the petition in favour of the petitioner.

The facts as narrated in the writ petition are that petitioner's father late Sri Rakesh Chandra Badoni, who was working as Lecturer in Government Inter College, Safdarkhal, District – Pauri, expired on 01.06.1988 while in service.

Petitioner's mother moved an application before Joint Director, Garhwal Mandal Pauri, on 21.02.2000 to provide appointment to her son Mukesh Chandra Badoni (petitioner) under dying in Harness Rules

Since respondents are corresponding with each other no decision has yet been taken by the respondents either to accept or reject the representation of the petitioner's mother dated 21.02.2000.

It is not disputed that petitioner's mother moved an application for appointment of her son under Dying in Harness Rules, after expiry of five years. However, State Government has power to provide relaxation in filing application.

Rule 5 of the Dying in Harness Rules, 1974, provides that where the State Government is satisfied that the time limit fixed for making the application for employment causes undue hardship in any particular case, it may dispense with or relax the requirement as it may consider necessary for dealing with the case in a just and equitable manner.

In view of the above, I deem it fit and proper to direct respondent no. 1 to take decision on the representation of the petitioner's mother dated 21.02.2000 (Annexure no. 1 to the writ petition) as expeditiously as possible preferably within a period of six weeks from the date of production of certified copy of this order.

With this direction the writ petition as well as stay application no. 10646 of 2006 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 22, 2006
SKSharma